IN THE HIGH COURT OF JUDICATURE OF BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 6468 of 2004

Shrimant Udayanmaharaj Pratapsinh
maharaj Bhosale .. Petitioner

versus

The Regional Joint Director
and others .. Respondents

...

Mr.S.S. Patwardhan for the petitioner.
Mr.Y.D. Mulani, AGP for the respondent nos.1 and 2.

CORAM : D.G. KARNIK, J

DATED : 16th February 2006.

P.C.:

1. Heard learned counsel for the petitioner and respondent no.1.

2. In view of the final order which is proposed on concession made by respondent nos.1 and 2, no notice is necessary to respondent no.3.

3. The petitioner made an application to the respondent no.3 for being admitted as a member. The application was rejected. The petitioner challenged the said order before the Divisional Joint Registrar by filing an application u/s.22 of the Maharashtra Co-operative Societies Act 1966 (for short "the Act") Before the appellate authority (respondent no.1) the petitioner made an application for a direction to the respondent no.3 to produce certain documents. By an order dated 28th May 2004, respondent no.1 allowed the application and directed the respondent no.3 to produce the said documents. That interlocutory order of a direction to produce the documents was challenged by respondent no.3 by filing of a revision before the State Government u/s.154 of the Act. By non speaking order passed ex-parte on 11th June 2004 (communicated on 14.6.2004), the Hon’ble the Chief Minister who was also holding a charge for Ministry of Co-operation granted stay to the interlocutory order passed by the respondent no.1. That order is impugned in this Writ Petition.

4. At the stage of hearing, learned counsel for the petitioner states that after the stay was granted

on 14th June 2004, petitioner moved the State Government on several occasions to hear the revision application expeditiously as ex-parte stay has been granted by non-speaking order. The grievance is that the revision application is not being heard and therefore, the appeal before the respondent no.1 also cannot be decided.

5. Mr.Mulani, learned AGP appearing for respondent nos.1 and 2 states that the respondent no.2 and the State Government shall hear the revision application filed by the respondent no.3 challenging the order dated 28th May 2004 passed by respondent no.1 and decide the same within a period of four weeks. The statement is recorded and accepted. In view of this statement, Writ Petition is disposed of finally by the following order:

6. Respondent no.2 and the State is directed to dispose of the revision application which is directed against the order dated 28th May 2004 passed by the respondent no.1 in appeal no.1 of 2002 within a period of four weeks.

7. Writ Petition is disposed of.

(D.G. KARNIK, J)